

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Crl. Misc. No. 66928-M of 2006

DATE OF DECISION : 30.10.2006

M/s. Swaroop Forgings

.... PETITIONER

Versus

M/s. Aggarwal Sanitary and Hardwar Company

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Sanjeev Walia, Advocate,
for the petitioner.

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Ranbir Singh Nayyar who is proprietor of M/s Swaroop Forgings, D-30, Phase-1, Mohali, now at E-67, Focal Point, Dera Bassi, District Mohali, has filed this petition under Section 482 of the Code of Criminal Procedure for quashing of complaint, Annexure P-1, filed by the respondent, under Section 138 of the Negotiable Instruments Act on the ground that the parties have compromised the matter.

Counsel for the petitioner contends that the complainant moved an application before the trial court for withdrawal of the complaint in view of the alleged compromise, but the same was dismissed and the second application was filed, which has not been entertained by the trial court, while insisting that the petitioner should be present in court.

After hearing counsel for the petitioner and going through the contents of the petition and the various orders, passed by the trial court, this petition is disposed of with direction to the trial court to consider the application filed by the complainant for withdrawal of the complaint on the basis of compromise between the parties, as the offence is compoundable, without insisting for the personal appearance of the alleged accused.

October 30, 2006
ndj

(SATISH KUMAR MITTAL)
JUDGE